

Order

Michigan Supreme Court
Lansing, Michigan

November 15, 2006

Clifford W. Taylor,
Chief Justice

131786

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DAVID YOUNG,
Plaintiff-Appellee,

v

SC: 131786
COA: 266491
Washtenaw CC: 02-000798-NI

DELCOR ASSOCIATES, INC., d/b/a
DELCOR HOMES,
Defendant-Appellant,
and

DELCOR HOMES-HOMETOWN VILLAGE
OF ANN ARBOR, LTD.,
Defendant,
Third-Party Plaintiff-Appellant,
and

MICHIGAN WALL PANEL, INC.,
Third-Party Defendant-Appellee.

On order of the Court, the application for leave to appeal the June 27, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the premises liability holding of the Court of Appeals and REINSTATE the Washtenaw Circuit Court's summary disposition ruling in favor of the premises owner. The defendant premises owner did not have a duty to protect the plaintiff, an employee of an independent contractor hired to perform construction work on the owner's premises, from the construction site hazardous condition that contributed to the plaintiff's injury. *Perkoviq v Delcor Homes-Lake Shore Pointe, Ltd*, 466 Mich 11, 18-20 (2002). Moreover, the temporary hazardous condition was created by the independent contractor, the defendant premises owner had no notice of the condition, and the condition was not unreasonably dangerous in the context of a residential construction project. *Id.*



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 15, 2006

Corbin R. Davis

Clerk